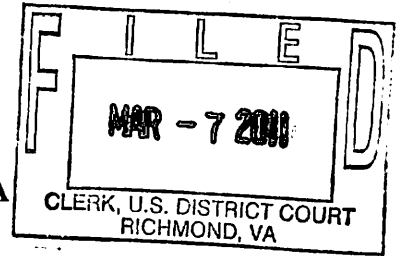


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

RICHMOND DIVISION

CASE NO. 3:11CV149



ROBERT W. JONES,

PLAINTIFF,

v.

UNITED STATES OF AMERICA,

DEFENDANT.

COMPLAINT

1. This is an action arising under the Federal Tort Claims Act, 28 U.S.C. §2671, *et seq.*
2. This Court is vested with jurisdiction pursuant to §1346(b), Title 28 of the United States Code.
3. Venue is proper under 28 U.S.C. §1402(b) because the cause of action arose in this judicial district.
4. At the time this cause of action arose, Robert W. Jones ("Mr. Jones") was a veteran of the United States military and was a patient receiving health care at the Hunter Holmes McGuire Veterans Hospital in Richmond, Virginia.
5. On August 7, 2009, Mr. Jones was a patient at the Hunter Holmes McGuire Veterans Hospital and was undergoing surgery there, to wit: right thoracotomy, bronchoscopy and mediastinoscopy.

6. The aforesaid surgery was being performed by physicians who were assisted by nurses and other health care professionals, all of whom were agents, servants and employees of the defendant United States of America, were engaged in health care provider-patient relationships with Mr. Jones and all of whom were acting within the scope of their employment.

7. During the aforesaid surgery, oxygen ignited in Mr. Jones's trachea.

8. As a direct and proximate result of the carelessness, recklessness and negligence in the provision of health care by the defendant United States of America, Mr. Jones suffered injuries and damages.

9. Mr. Jones's injuries and damages were directly and proximately caused by carelessness, recklessness and negligence in the performance of surgery and administration of anesthesia on August 7, 2009, by the defendant United States of America.

10. The defendant United States of America was otherwise careless, reckless and negligent, and acted in violation of the applicable standards of care, all of which caused and contributed to Mr. Jones's injuries and damages.

11. Plaintiff, pursuant to 28 U.S.C. §2675(a), has filed these claims with the Department of Veterans Affairs, the appropriate federal agency for such notice.

12. As of this filing, more than six (6) months following the aforesaid notice, this claim has not been denied by the United States.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of ONE MILLION DOLLARS (\$1,000,000.00).

ROBERT W. JONES

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